

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: David WALLACH et al

Application No. 09/445,223

Filed: December 6, 1999

For: MODULATORS OF INTRACELLULAR INFLAMMATION, CELL DEATH AND ...

Conf. No.: 966-

Art Unit: 1642

Examiner: M. Davis

Washington, D.C.

Atty.'s Docket: WALLACH=24

Date: August 22, 2002

THE COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Sir:

Transmitted herewith is a ☒ Amendment. ☐ _____
in the above-identified application.

☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

☐ No additional fee is required.

☒ The fee has been calculated as shown below:

	(Col. 1)		(Col. 2)	(Col. 3)
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA EQUALS
TOTAL	* 25	MINUS	** 39	0
INDEP.	* 1	MINUS	*** 3	0
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

ADDITIONAL FEE TOTAL

SMALL ENTITY	
RATE	ADDITIONAL FEE
x 9	\$
x 42	\$
+ 140	\$
ADDITIONAL FEE TOTAL	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x 18	\$
x 84	\$
+ 280	\$
TOTAL	

OR

OR

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
- ** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.
- *** If the "Highest Number Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest Number Previously Paid For" (total or independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment of the number of claims originally filed.

☒ Conditional Petition for Extension of Time

If any extension of time for a response is required, applicant requests that this be considered a petition therefor.

☒ It is hereby petitioned for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

<input type="checkbox"/>	First	- \$ 55.00
<input type="checkbox"/>	Second	- \$ 200.00
<input type="checkbox"/>	Third	- \$ 460.00
<input type="checkbox"/>	Fourth	- \$ 720.00

Month After Time Period Set

Other Than Small Entity
Response Filed Within

<input type="checkbox"/>	First	- \$ 110.00
<input type="checkbox"/>	Second	- \$ 400.00
<input type="checkbox"/>	Third	- \$ 920.00
<input type="checkbox"/>	Fourth	- \$ 1440.00

Month After Time Period Set

☐ Less fees (\$ _____) already paid for ____ month(s) extension of time on _____.

☐ Please charge my Deposit Account No. 02-4035 in the amount of \$ _____.

☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$ _____.

☐ A check in the amount of \$ _____ is attached (check no.).

☒ The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of Time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR §1.16 and all patent processing fees under 37 CFR §1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue fees under 37 CFR §1.18.

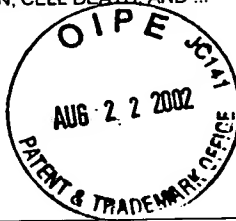
BROWDY AND NEIMARK, P.L.L.C.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: WALLACH=24

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In re Application of:)	Conf. No. 9660
)	
David WALLACH)	Art Unit: 1642
)	
Appln. No.: 09/445,223)	Examiner: M. Davis
)	
Filed: December 6, 1999)	Washington, D.C.
)	
For: MODULATORS OF)	August 22, 2002
INTRACELLULAR INFLAMMATION))	
CELL DEATH, AND ...)	

AMENDMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of May 22, 2002,
please amend as follows:

IN THE CLAIMS

Delete claims 12, 16, 17, 19, 31-37 and 50 without
prejudice toward the continuation of prosecution thereof in
divisional applications.

Please amend claims 23, 24, 40, 44-47 and 51 as
follows:

23 (Thrice-amended). A composition comprising a
pharmaceutically acceptable excipient and a recombinant animal
virus vector comprising a DNA sequence according to claim 44.

E 1 Sub 7' 24 (Thrice-amended). A composition comprising a
pharmaceutically acceptable excipient and an oligonucleotide
molecule consisting of a sequence encoding an antisense
sequence of at least part of an mRNA sequence corresponding to
a DNA sequence according to claim 44.